

REMARKS/ARGUMENTS

Claim 24 is cancelled. Claim 7 is amended. Claims 1-23 are pending and under consideration.

Rejection Under 35 U.S.C. §112

Claims 23-24 stand rejected under 35 U.S.C. §112, first paragraph. Applicants have amended claim 23 and limited it to the treatment of diabetes. Claim 24 has been cancelled. In view of this amendment, Applicants submit that the 112, first paragraph rejection is obviated.

Claim 7 stands rejected under 35 U.S.C. §112, second paragraph. Applicants have amended claim 7 to show that it could be any one of the Compounds 1-19 in Table IV. In view of this amendment, Applicants submit that the 112, second paragraph rejection is obviated.

Rejection Under 35 U.S.C. §103

Claims 1-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,949,555 to Guitard et al. (the "555 Patent"). Applicants respectfully disagree.

The salts of the presentation invention have unique and desirable chemical and/or physical characteristic that are not disclosed or suggested by the '555 Patent. The salts of nateglinide according to the invention have generally a higher degree of dissociation in water, and thus, substantially improved water solubility. In addition, the higher water solubility can, under certain conditions, lead to increased biological availability of the salts, salt hydrates or salt anions in the case of solid dosage forms, which is beneficial to patients. Furthermore, some of the salts according to the invention have proved to be exceptionally physically stable, particularly the alkaline earth salts. For different relative humidities at room temperature and also at slightly higher temperatures, the salts, including salt hydrates, according to the invention show, with the exception of a potassium and a calcium salt, practically no water absorption or water loss over a wide range of humidities and for periods of a few hours, e.g. four hours. Also, for example, the melting point of the salts according to the invention will not be changed by storing under different relative humidities, except for the melting point of those salts that are hygroscopic or moderately hygroscopic.

In view of the above, Applicants submit that the pending claims are patentable over the '555 Patent.

If the Examiner feels that communication by telephone could expedite the allowance of the instant application, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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